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DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

CMC-5
SECOM-M-262

5 January 1983

Minutes
Two Hundred and Fifty-eighth Meeting
Wednesday, 5 January 1983, 1000-1200 Hours
Room 4E64, Langley Headquarters Building

[redacted]
Chairman
Presiding

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MEMBERS PRESENT

Mr. Maynard Anderson, Office of Secretary of Defense
Mr. Lloyd E. Dean, Federal Bureau of Investigation
[redacted] Central Intelligence Agency
Mr. John McNamara, Office of the Secretary of the Air Force
Col. George Mercuro, Department of the Air Force
[redacted] National Security Agency
Mr. D. Jerry Rubino, Department of Justice

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ALTERNATES PRESENT

Lt. Col. Raymond E. Abel, Department of the Air Force
Mr. Robert C. Allen, Department of the Navy
Mr. Thomas Blankenship, Department of Energy
Mr. Edward J. Dansereau, Department of the Treasury (SS)
Mr. Frank Dill, Department of the Army
Mr. Dan Downum, Federal Bureau of Investigation
Mr. Louis Kachulis, Department of State
[redacted], Defense Intelligence Agency
Mr. Roger T. Smith, Department of the Air Force

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ALSO PRESENT

Mr. Joseph Ambrogio, Department of the Treasury
[redacted] Central Intelligence Agency (C)
[redacted] Central Intelligence Agency
[redacted] Central Intelligence Agency
[redacted] Central Intelligence Agency
[redacted] National Security Agency
Mr. Chuck Stapleton, Federal Bureau of Investigation
[redacted], Defense Intelligence Agency
[redacted] Executive Secretary

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Preliminary Comments

The Chairman:

1. Advised members that he had sent [] the Technical Surveillance Countermeasures Subcommittee majority report responding to IG/CM tasking on the need for national policy on TSCM. The Navy member sent in a written comment which was forwarded with the report. [] said copies of his forwarding memo and of [] comment were at members' places. []

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2. Noted his recent request to members for nominations to the SECOM staff to fill the vacancies caused by the reassignments of [] effective the close of business 7 January 1983. [] asked that the record reflect his appreciation for the splendid work [] did on Moscow security and [] did on the adjudicators seminars. []

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3. Informed members that he was working with the Personnel Security Subcommittee on language on the polygraph for inclusion in the draft revision of DCID 1/14 that would be acceptable to the Community. [] said he appreciated the need for care in this regard so as not to cause problems for the Department of Defense while they are still developing their revision of policy on polygraph use. []

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4. Advised that he had sent forward the editorial and format revision of DCID 1/16 agreed to by members. [] said copies would be sent to SECOM members. []

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5. Invited members' attention to a chart at their places of the SECOM subcommittee and working group structure. []

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Discussion of Initiatives on Leaks

The Chairman reminded members that this meeting had been called in response to a request by Mr. Casey for terms of reference for proposals to deal with the problem of unauthorized disclosures of intelligence. [] advised that the DCI wanted a written response, reflecting the views of SECOM members' principals, by 15 January 1983. He said he planned to have the staff draft it based on discussion and agreement at this meeting. He emphasized the need for extremely fast coordination, and said he planned to avoid controversial items to the extent possible in order to facilitate Community agreement. He invited members' attention to copies at their places of: [] Report; a proposed statute to criminalize leaks by Government personnel; and his 22 December 1982 memo with attached copies of material he provided the DCI on leaks. []

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[] noted that SECOM members unanimously approved, in the fall of 1982, language which "endorsed the basic thrust of the [] Report and a request to you (DCI) to seek action by Judge Clark for approval of all or as many as possible of the report's recommendations." He asked if members were prepared to reaffirm their support of that report. Discussion showed that they were. Mr. Anderson suggested that if the White House was not prepared to act on the [] Report, the DCI should seek Judge Clark's approval to issue it as his guidance to the Community for the protection of intelligence against leaks. []

The Chairman introduced discussion of FBI investigation of leaks by observing that his experience led him to conclude that in-house investigations by Community agencies were unlikely to solve leak cases, and that only the FBI had the broad charter and capability to investigate leaks with reasonable prospect of success. He noted that the FBI would need augmented resources and an effective screening mechanism to select good cases in order to do the job. Mr. Rubino said the Department of Justice had approved the concept of FBI investigation of leaks leading to administrative instead of prosecutive action. He stated that action was needed on the [] Report to support translation of the conceptual approval into actual investigations. Mr. Dean noted the need for guidance to the FBI to permit them to set priorities for leak investigations versus criminal cases. Mr. Kachulis advised that State Department did not want the FBI to investigate State personnel when administrative action was contemplated. He noted that FBI involvement would be a different matter if a criminal violation was involved. [] said it appeared that members were not prepared to support broader FBI involvement in leak investigations without a statute criminalizing leaks. Mr. Anderson agreed with his assessment. [] argued in favor of broader FBI investigations, and noted that the screening mechanism to select which leaks are investigated would permit agencies to prevent outside investigation when they wished to handle cases internally. Mr. Anderson observed that there was a disconnect between the DCI's responsibility to protect sources and methods, and the separate responsibility of department and agency heads to administer their organizations in such areas as security and personnel. Mr. Anderson said he thought a reason for reluctance to address leaks was that officials lacked confidence in the validity of security classifications applied to official data. He argued for a strong national policy mandating more thorough and discriminating classification actions. Members did not support including this with the recommendations to go to the DCI on leaks.

[]

[] noted that the draft bill the DCI had sent OMB for political clearance is identical to the one recommended in the [] Report to criminalize unauthorized disclosures of classified information by Government personnel. He observed that there might be political difficulties in getting the proposal enacted into law, but noted that the process would be an effective means of focusing senior-level attention on the problem. Mr. Allen said he thought this and other initiatives on leaks could best be accomplished

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by first building a supportive atmosphere. He stated that he thought a key element in doing so would be to establish clearly that leaks cause identifiable and significant damage to national security. Members agreed that such an atmosphere needed to be created. They also agreed to endorse the bill. Several members stressed the need to apply the proposed statute to cleared contractor personnel. []

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[] asked the Committee to consider regulation of press contacts by persons with sensitive access. Some members commented on the difficulty in accomplishing anything in this area. Discussion showed that members concluded there was no practicable way of dealing effectively with this subject. []

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The Chairman summarized the utility of a centralized leak data base, noting that it would bear on intelligence matters only. He said he thought it should be structured along the conceptual lines of the 4C SCI access register and include provisions for privacy controls for access to data on particularly sensitive leaks. Mr. Rubino said he thought it would give the Community a valuable tool with which to size the problem in total and subelement terms. Mr. Kachulis raised concerns about FOIA and Privacy Act considerations.

[] said those could be dealt with satisfactorily. [] asked if the data base would include damage assessments. [] replied that such a requirement might impede agency willingness to input to the data base. Mr. Anderson said he was not convinced of the cost/benefit of the data base, but would not object to it if it was limited to intelligence. [] said he supported the concept but noted the need to justify it thoroughly. All members then indicated their support for the concept. []

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[] noted that the [] Report proposed to modify prohibitions on use of the polygraph. He asked members if they were prepared to support that proposal. Mr. Kachulis said they would, provided the polygraph was limited to use on no more than a handful of suspects. All members said they supported the concept of polygraph use stated in the [] Report. []

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[] reminded members of their earlier agreement to support an offer to Justice of the services of the Unauthorized Disclosures Investigations Subcommittee to aid in screening leaks to select those which most needed and which were most susceptible to resolution by investigation. He asked members if they still supported this. They indicated that they did. []

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[] asked members if they thought an exemption for intelligence information from the Freedom of Information Act would help in the leak area. Members said they thought it would and agreed to support a bill seeking the exemption. []

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[] asked [] about the prospects for new legal procedures to avoid disclosure in espionage trials of classified information other than that which was the basis for the charge. [] replied that

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there were problems associated with this which kept the issue from being ripe for legislative action. He suggested as an alternative that the DCI seek comments on the issue from the Department of Justice. []

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[] asked members if they supported cautioning senior officials about risks involved in dealing with the press on sensitive issues. Mr. Anderson suggested that the DCI could do this at a Cabinet meeting or by sending a statement to SOICs. [] read Judge Clark's November 1982 memo to National Security Council members advising them of the President's direction not to discuss intelligence matters with the press or public without White House and DCI approval. Members indicated their support for periodic cautionary statements similar to that. []

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[] asked members to consider what changes they deemed necessary in security procedures to reduce the likelihood of leaks. [] said he thought we needed to publicize within the Community the fact of penalties on leakers to enhance awareness of what can happen to those who choose to leak sensitive data. All members agreed that this would be useful. []

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[] thanked members for their participation and asked them to respond promptly to the draft paper on this subject that the staff would prepare. []

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Next Meeting

The Chairman scheduled the next regular meeting for 10:00 a.m., Wednesday, 26 January 1983, in Room 4E-64, CIA Headquarters Building. []

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